

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

OP.No. 15786 of 1997(D)

PETITIONER:

**BASHEER KOYA M.,
RETIRED D.S.O., KOLLASSERIL VEEDU,
VADAKUMTHALA P.O.,
KARUNAGAPPALLY.**

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS:

- 1. GOVERNMENT OF KERALA, REPRESENTED BY
SECRETARY TO GOVT., CIVIL SUPPLIES DEPARTMENT,
SECRETARIAT, TRIVANDRUM.**
- 2. DIRECTOR OF CIVIL SUPPLIES, THIRUVANANTHAPURAM.**
- 3. SUB TREASURY OFFICER, KARUNAGAPPALLY.**
- 4. ACCOUNTANT GENERAL OF KERALA, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. P.NANDAKUMAR

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 26/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ORDER ON C.M.P.NOS.28350/1997 AND 28709/1999 IN OP.NO.15786/1997

DISMISSED

26/07/2007

SD/-K.BALAKRISHNAN NAIR, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DTD. 12/06/97 REGARDING THE SANCTION OF THE PENSION TO THE PETITIONER.**
- EXT.P2: COPY OF THE LETTER DTD. 12/06/1997.**
- EXT.P3; COPY OF THE LIABILITY CERTIFICATE DTD. 12/06/1997.**
- EXT.P4: COPY OF THE ORDER OF THE CIVIL SUPPLIES COMMISSIONER DTD. 18/03/1996.**
- EXT.P5: COPY OF THE APPEAL FILED BY THE PETITIONER BEFORE THE GOVERNMENT DTD. 14/06/96.**
- EXT.P6; COPY OF THE INTIMATION SECURED FROM THE KERALA CIVIL SUPPLIES CORPORATION.**
- EXT.P7: COPY OF THE EXPLANATION SUBMITTED BEFORE THE 2ND RESPONDENT DTD. 22/11/95.**
- EXT.P8: COPY OF THE G.O.(P) NO.529/90 DTD. 22/10/1990 AND G.O.(RT) NO. 136/96/F/GCSD DTD. 17/05/96.**
- EXT.P9: COPY OF THE PROCEEDINGS DTD. 20/07/1996.**
- EXT.P10: COPY OF THE PETITION DTD. 20/07/1996 SUBMITTED BEFORE THE 1ST RESPONDENT.**
- EXT.P11: COPY OF THE LETTER NO.P.11/CASE/560/AX/04-05/269 DTD. 13/10/2004 ISSUED FROM THE OFFICE OF THE ACCOUNTANT GENERAL. (I.A.NO.8803/2007)**
- EXT.P12; COPY OF G.O.(RT) NO.196/97/F&CSD DTD. 5/07/1996 PASSED BY THE FIRST RESPONDENT (I.A.NO.8803/2007)**

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O.P.NO.15786/1997 D

- EXT.P12: COPY OF THE G.O.(RT) NO.46/98/F&CSD DTD. 3/3/1998.**
- EXT.P13: COPY OF THE LETTER NO.(C.S.) J8.21132/03 DTD.5/09/2005 OF THE 2ND RESPONDENT.**
- EXT.P14: COPY OF THE REVISED LIABILITY CERTIFICATE NO.(CS) JI-5907/96 DTD. 18/10/1999 ISSUED BY THE 2ND RESPONDENT.**
- EXT.P15: COPY OF THE PROCEEDINGS NO.CS.H4.19219/97 DTD. NIL OF THE 2ND RESPONDENT.**
- EXT.P16: COPY OF THE LETTER NO.(C.S.)J8.21132/03 DTD. 3/08/2004 OF THE 2ND RESPONDENT.**
- EXT.P17; COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT DTD. 5/02/2005.**

2ND RESPONDENT'S EXHIBITS:

- EXT.R2(A): COPY OF NOTICE NO.F2-37955/95 DTD. 13/11/95.**
- EXT.R2(B): COPY OF EXPLANATION DTD. 25/04/96.**

/TRUE COPY/

P.A. TO JUDGE

KSS

K.BALAKRISHNAN NAIR, J.

O.P. No. 15786 of 1997-D

Dated this the 26th day of July, 2007.

J U D G M E N T

The petitioner retired from service as District Supply Officer, on 31-5-1996. Feeling aggrieved by the liability fixed against him, mainly based on the alleged excess consumption of petrol, and deduction of the said amount from his DCRG, this original petition was filed. During the pendency of the original petition, the liability was finally fixed as Rs.49,157/-, on 15-4-2004 and the balance amount has been released to him. The said order is not produced or challenged in this original petition. But, the petitioner prays, he may be granted relaxation regarding the ceiling fixed for consumption of petrol and the excess consumption may be regularised as the Government did it in Ext.P12 order dated 5-7-1996, produced along with I.A.8803 of 2007. The petitioner submits, he has already preferred Ext.P17 representation, on 5-2-2005 demanding to release the balance amount due to him. As directed by this court, the learned Government Pleader got instruction on Ext.P12 and submitted that it was an order meant for regularizing the excess petrol consumption for two months in Malappuram District. That order was passed, on the recommendation of the Director of Civil Supplies. There is no such order relating to Alappuzha District where the petitioner was.

2. After the final fixation of liability, if any balance amount of DCRG is remaining unpaid, the same shall be released to the petitioner, as expeditiously as possible, at any rate within six weeks from the date of receipt of a copy of this judgment. The claim raised in Ext.P17 is non-statute which is not supported by any Rules or Orders. Therefore, this court is not justified in directing the Government to consider that representation. Accordingly, the prayer of the learned counsel for the petitioner to direct the Government to consider Ext.P17 cannot be granted.

The Original Petition is disposed of as above.

K.BALAKRISHNAN NAIR,
JUDGE.

MS